

HU_Person_Decl_Support_Motion_Withdraw.doc

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	ECF CASE
POROX INTERNATIONAL CO., INC.,	:	
	:	07 CV 3256 (RJH)
Plaintiff,	:	
-against-	:	
	:	
HEYS USA INC.,	:	
	:	
Defendant.	:	
	:	
-----X		

**DECLARATION OF CARL E. PERSON IN SUPPORT OF
MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANT**

I, Carl E. Person, an attorney duly authorized to practice law in the State of New York, do hereby declare, pursuant to the penalties of perjury under 28 U.S.C. § 1746, that the following statements are true and correct:

1. I am the withdrawing attorney for Defendant, **Heys USA, Inc.** (the "Defendant"), in the above-captioned action, am fully familiar with the facts stated herein, and make this declaration in support of my motion for an Order granting me

(1) permission to withdraw as attorney for Defendant and an Order so relieving me as counsel for Defendant in the action;

(2) a stay of all proceedings to permit the Defendant to obtain other counsel; and

(3) such other and further relief as the Court deems just and proper.

2. I started my representation of Heys USA, Inc. on June 4, 2007, and have had difficulty in communicating with the client regarding the representation from the outset to the

present. My contact with the client. Harry Heys, is difficult to reach and frequently not cooperative in the defense of the client.

3. The client through not answering my calls and emails and or by delays in responding has made it difficult for me to obtain information I need for the representation and has created excessive work for me to provide the needed representation, including longer periods of monitoring work which needs to be done and having to retrace my steps when communication finally occurs.

4. My efforts in representation are made difficult by a fundamental disagreement in how the defense should be conducted.

5. Also, since early July, 2007, a total of 4 months, I have been providing my legal services to the Defendants without any compensation (with all disbursements being unpaid). even though I have submitted statements to the client dated July 16, 2007, October 7, 2007 and October 31, 2007 and have made about 5 unanswered calls to Mr. Heys. These statements remain wholly unpaid.

6. The total amount owed to me at this time is \$3,424.90, calculated as of October 31, 2007.

7. I am an individual practitioner and do not have time to devote to non-cooperative, non-paying clients as to whom there is disagreement in how the defense should be conducted.

8. I am serving a copy of the moving papers on the Defendant by mail and by email, and a mailed copy to the attorneys for the Plaintiffs.

Dated: New York, New York
November 6, 2007



Carl E. Person (CP 7637)
Attorney for the Defendant,
Heys USA, Inc.
325 W. 45th Street - Suite 201
New York, New York 10036-3803
(212) 307-4444

CERTIFICATE OF SERVICE

Carl E. Person hereby declares, pursuant to the penalties of perjury under 28 U.S.C. § 1746, that the following statements are true and correct:

I am not a party to this action, am over 18 years of age, and on November 6, 2007, I served a true copy of the foregoing

**DECLARATION OF CARL E. PERSON IN SUPPORT OF
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dated November 6, 2007 (the "Document") on the attorneys for the Plaintiff and to the Defendant, Heys USA, Inc., by mailing a copy of the Document addressed as set forth below:

**Heys USA, Inc.
7950 NW 77th Street -Bldg C, Suite 1
Miami FL 33166**

**Steven C. Bennett, Esq. (SB 6380)
Bennett Offices
Law Offices of Steven Cullen Bennett
521 Fifth Avenue - Suite 1700
New York NY 10175**

**Thomas M. Furth, Esq. (TF 0758)
Kudman Trachten Aloe LLP
350 Fifth Avenue, Suite 4400
New York NY 10118**

I declare under penalty of perjury that the foregoing is true and correct.

Executed in New York, New York on November 6, 2007.



Carl E. Person